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OAKLAND BULK & OVERSIZED TERMINAL, LLC

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15
16 OAKLAND BULK & OVERSIZED
17 TERMINAL, LLC

18 Plaintiff,

19 vs.

20 CITY OF OAKLAND,

21 Defendant.
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Case No. 3:16-cv-07014-VC

**PLAINTIFF OAKLAND BULK &
OVERSIZED TERMINAL, LLC'S
DEPOSITION AND DISCOVERY
DESIGNATIONS**

Ctrm: No. 2, 17th Floor

Judge: Honorable Vince Chhabria

Trial: January 16, 2018

Pursuant to Paragraph 37 of the Court's Standing Order for Civil Jury Trials, Plaintiff Oakland Bulk & Oversized Terminal, LLC ("OBOT") respectfully submits these discovery designations. Attached hereto as **Exhibit A** are OBOT's deposition designations, Defendants' objections and counter-designations, and OBOT's respective counter-counter-designations and objections for the following witnesses (along with a key describing the abbreviations used for OBOT's objections):

Witness
Doug Cole , Project Manager, City of Oakland
Sabrina Landreth , City Administrator, City of Oakland
Stephen Sullivan , City of Oakland Expert Witness
James Wolff , Chief Financial Officer, Bowie Resource Partners

Additionally, attached hereto as **Exhibit B** are OBOT's designations of Defendant-Intervenor Sierra Club's written responses to OBOT's Interrogatories and Requests for Admission, with yellow highlighting delineating the portion of those written discovery responses designated by OBOT. Sierra Club did not object to these designations. However, Sierra Club sought to "counter-designate" its own responses, and its proposed counter-designations are shown in green highlighting in the attached **Exhibit C**. OBOT objects to Sierra Club's counter-designations in their entirety. Sierra Club's own written responses may not be designated or offered by Sierra Club at trial because they are hearsay. *See* Fed. R. Evid. 802. Further, certain of Sierra Club's counter-designations relate to interrogatories or requests for admission that were not designated by OBOT in the first place, and therefore are not proper counter-designations. *See* Exhibit C, at ROG 7, RFA 5. Accordingly, OBOT respectfully requests that only those designations to Sierra Club's responses attached in Exhibit B be permitted at trial.

Dated: January 9, 2017

Respectfully submitted,

By: /s/ Robert P. Feldman

Robert P. Feldman

Attorney for Plaintiff
OAKLAND BULK & OVERSIZED
TERMINAL, LLC